

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Cynthia Diane Buckley,	)	
	)	C/A No. 1:10-2455-MBS
Plaintiff,	)	
	)	
vs.	)	
	)	<b>ORDER</b>
Michael J. Astrue, Commissioner of	)	
Social Security,	)	
	)	
Defendant.	)	
_____	)	

Plaintiff Cynthia Diane Buckley filed the within action on March 16, 2010, seeking judicial review of a final decision of Defendant Commissioner of Social Security denying Plaintiff's applications for a period of disability and disability insurance benefits and supplemental security income benefits.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Shiva V. Hodges for pretrial handling. On November 29, 2011, the Magistrate Judge issued a Report and Recommendation in which she determined that the Administrative Law Judge (ALJ) had failed to appropriately consider Plaintiff's severe and nonsevere medically-determinable impairments in combination. The Magistrate Judge further noted that the ALJ had failed to explain her evaluation of the combined effect of Plaintiff's multiple impairments on Plaintiff's work abilities. The Magistrate Judge also determined that the ALJ had failed to comply with SSR 00-4p's mandate to inquire of the Vocational Expert whether his testimony conflicted with the Dictionary of Occupational Titles and, if so, elicit an explanation for the conflict. Accordingly, the Magistrate Judge recommended that the Commissioner's decision be reversed and the cause remanded under sentence four of 42 U.S.C. § 405(g) for further

administrative action. Plaintiff filed no objection to the Report and Recommendation. On December 13, 2011, the Commissioner filed a Notice of Not Filing Objections to the Report and Recommendation of Magistrate Judge.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

The court has carefully reviewed the record and concurs in the recommendation of the Magistrate Judge. The court adopts the Report and Recommendation and incorporates it herein by reference. For the reasons set out herein and in the Report and Recommendation, the decision of the Commissioner is **reversed** and the cause remanded under sentence four of 42 U.S.C. § 405(g) for further administrative action.

**IT IS SO ORDERED.**

/s/ Margaret B. Seymour  
United States District Judge

Columbia, South Carolina  
December 20, 2011